

PARKER HANSKI LLC

40 WORTH STREET, SUITE 602
NEW YORK, NEW YORK 10013

July 21, 2023

Via ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District Of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *Julie Maury v. 1568-1572 Third Avenue LLC and Wok 88 On Third, LLC*
Docket No. 1:23-cv-03340(KPF)(OTW)

Dear Judge Failla:

We represent plaintiff, Julie Maury, in the above-entitled action. We write together with defendant Wok 88 On Third, LLC (“Tenant” and together with Plaintiff, the “Appearing Parties”) to respectfully request (i) a 45-day adjournment of the initial pretrial conference scheduled for July 28, 2023, and (ii) a corresponding extension of time to file the Joint Status Letter and proposed Civil Case Management Plan and Scheduling Order. The reason for this adjournment request is that defendant 1568-1572 Third Ave. LLC (“Landlord”) has not yet appeared.

As brief background, this action concerns the wheelchair accessibility of a place of public accommodation, the Wok 88 restaurant located at 1570 Third Avenue, NY, NY. Defendant Landlord owns the building in which the Wok 88 restaurant is located. During the Appearing Parties telephonic meeting pursuant to Fed. R. Civ. P. 26(f) and Your Honor’s Initial Pretrial Conference Order (ECF No. 8), Defendant Tenant suggested that the ability to remediate certain accessibility issues might be under Defendant Landlord’s control. If so, having Defendant Landlord’s participation in settlement discussions and its input on a proposed case management plan would be beneficial to efficiently move this matter forward. To that end, Plaintiff contacted her process server to determine when service was made on Defendant Landlord and learned that Defendant Landlord had not been served. Upon uncovering the oversight, Plaintiff had her process server immediately serve Landlord Defendant.¹

Given that service upon Defendant Landlord was only made this week and that Landlord’s appearance should provide for a more efficient and orderly litigation, the Appearing Parties respectfully ask the Court adjourn the July 28, 2023 initial pretrial conference, and the deadline to file the Joint Status Letter and proposed Civil Case Management Plan and Scheduling Order by 45 days.

Thank you for your time and attention to this matter.

Respectfully,

/s/

Adam S. Hanski

¹Plaintiff has also transmitted a copy of the Summons and Complaint to Defendant Landlord’s in-house counsel.

Application GRANTED. The initial pretrial conference currently scheduled for July 28, 2023 is hereby ADJOURNED to **September 20, 2023 at 3:00 p.m.** The Parties are directed to file the Joint Status Letter and Proposed Civil Case Management Plan on or before **September 14, 2023.**

Dated: July 21, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE